

EXECUTIVE OFFICER'S SUMMARY REPORT
9:00 a.m., May 15, 2003
North Coast Regional Water Board
Hearing Room
5550 Skylane Blvd, Suite A
Santa Rosa, California

ITEM: 14

SUBJECT: Public Hearing to Consider Issuance of Cease and Desist Order No. R1-2003-0046 to the City of Rio Dell, Wastewater Treatment Facility

DISCUSSION

The City of Rio Dell (Permittee) owns and operates waste treatment works that provide collection, sedimentation, biological treatment, disinfection, and dechlorination. During the winter months, treated effluent is discharged to the Eel River. During the summer period, treated effluent is discharged into two percolation ponds on a gravel bar adjacent to the river.

On February 24, 2000, the Regional Water Quality Control Board (Regional Water Board) adopted Order No. R1-2000-15, Waste Discharge Requirements and National Pollutant Discharge Elimination System (NPDES) Permit for the City of Rio Dell Wastewater Treatment Facility (WWTF).

Pursuant to provisions of the Water Quality Control Plan for the North Coast Basin (Basin Plan), Order No. R1-2000-15 prohibits effluent discharge to the Eel River and its tributaries from May 15 through September 30 each year. During this period, effluent is discharged into two percolation ponds on a gravel bar adjacent to the river. The thin gravel bar is underlain by clayey soils, which has caused effluent to surface on the gravel bar and discharge directly into the river. A solution to this chronic violation of Order No. R1-2000-15 has been a subject of discussion with the Permittee for several years.

A 13257(b) Order was issued to the Permittee on February 21, 2003 requesting submittal of both short- and long-term plans to comply with the seasonal discharge prohibition. Additionally, an administrative liability complaint is pending issuance on or about May 1, 2003, and will include three days of discharge violation during the 2001 discharge prohibition season.

Order No. R1-2000-15 requires that solids removed from the treatment process be disposed in any of three designated land application sites (shown in Attachment A to Order R1-2000-15) or at a legal point of disposal in accordance with applicable provisions of Title 27, Division 3, California Code of Regulations. Instead of using one of the designated sites, the Permittee used an unauthorized site in summer 2001 and the Redway Community Services District approved site in summer 2002. Only one disposal season remains on the Permittee's contract with Redway Community Services District, and the Permittee has not notified the Regional Water Board that a long-term solids disposal program is in place.

The following portions of Order No. R1-2000-15 are being violated or threaten to be violated as a result of the Permittee's inability to handle effluent disposal and sludge disposal:

A. DISCHARGE PROHIBITIONS

2. Creation of a pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited. [Health and Safety Code, Section 5411]
3. The discharge of sludge or digester supernatant is prohibited, except as authorized under **D. SOLIDS DISPOSAL**.
5. The discharge of waste from the City of Rio Dell's Wastewater Treatment Plant to the Eel River or its tributaries during the period May 15 through September 30 each year is prohibited.

D. SOLIDS DISPOSAL

1. Collected screenings, sludges and other solids removed from liquid wastes that are not applied to the land applications sites shown in Attachment A shall be disposed of at a legal point of disposal, and in accordance with applicable provisions of Title 27, Division 3, California Code of Regulations.

E. PROVISIONS

18. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- c. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.
- d. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

Regional Water Board staff inspected the Permittee's WWTF on July 17, 2001, and observed full sludge drying beds and effluent surfacing on the gravel bar below the lower percolation pond.

The gravel bar and the Eel River in this vicinity are accessible to the public, and are heavily used by the public, for water contact and noncontact water recreation. Effluent seepage on the gravel bar and discharge into the Eel River pose a significant threat to public health. After additional observations of the same conditions during the summer 2001 season, Regional Water Board staff commenced discussions with the Permittee to find solutions to the effluent disposal problem. A lengthy chronology of staff inspections, correspondence, discussions, and meetings regarding the effluent and sludge disposal issues is contained in Attachments A and B to the Executive Officer's Summary Report.

The chronology documents that the Permittee sought out land application sites for summertime disposal of treated effluent and proposed to use one or two potential sites. Now, more than one year later, the Permittee has no prospective land disposal site available for effluent disposal. The Permittee attempted to alleviate the effluent disposal problem during the summer season of 2002 by (1) constructing a significantly larger percolation pond and (2) irrigating a large portion of its treated wastewater on the WWTF grounds. The larger percolation pond is too small to accommodate all wastewater effluent and had very little freeboard all summer. Further, irrigation of the WWTF grounds goes far beyond what is necessary to keep the WWTF landscaping green. This irrigation practice constitutes effluent disposal that is not authorized by Waste Discharge Requirements Order No. R1-2000-15.

On February 21, 2003, the Regional Water Board issued a California Water Code Section 13267 Order to the Permittee requiring the submittal of technical reports. The Order requires that the Permittee submit a technical report to the Regional Water Board by April 15, 2003, describing a short-term plan for treated effluent disposal during the river discharge prohibition season. The Permittee submitted an acceptable technical report to the Regional Water Board on April 14, 2003. The Order also requires the Permittee to submit a technical report by September 30, 2003, describing a long-term plan for treated effluent disposal during the river discharge prohibition season and a long-term biosolids disposal program.

The Rio Dell WWTF does not have adequate capacity, due to inadequate dry season effluent disposal capability and limited sludge storage area, to provide wastewater treatment as specified in Waste Discharge Requirements. Increased waste flow will further hinder the Permittee's ability to comply with Waste Discharge Requirements. In accordance with the Porter Cologne Water Quality Control Act (Section 13301) and California Code of Regulations (Title 23, Section 2244), the Cease and Desist Order includes a prohibition of new connections to the WWTF from new residential, commercial, industrial, and/or governmental development until such time that it can be demonstrated to the satisfaction of the Regional Water Board that such connections will not result in additional violations of waste discharge requirements. Structures with building permits already issued at the time of this public notice are excluded from this prohibition. Those structures that do not require a "building permit" or are exempted from the permitting process are exempt from this prohibition if construction has commenced.

The Cease and Desist Order contains tasks and a time schedule for the Permittee to select a method for short-term and long-term compliance with waste discharge requirements. Until full compliance is achieved, the Permittee shall operate and maintain, as efficiently as possible, all facilities and systems necessary to comply with Order No. R1-2000-15 to the maximum extent practicable.

On April 14, 2003, the Permittee submitted comments (Attachment C) to the Regional Water Board on the draft Cease and Desist Order. The Permittee believes that the 13267 Order is sufficient to bring the WWTF into compliance. The Permittee also suggests that a longer time frame than had been proposed by staff in the draft Cease and Desist Order may be necessary to gain compliance with Waste Discharge Requirements.

Regional Water Board staff responded to the Permittee's comments with a letter sent on April 25, 2003 (Attachment D). The Regional Water Board staff letter describes the necessity of the Cease and Desist Order, in addition to the 13267 Order, since they both serve as unique tools for facilitating the Permittee's compliance with Waste Discharge Requirements. Regional Water Board staff also requested the Permittee to submit a time schedule proposal for accomplishing compliance milestones. The Permittee submitted a proposed time schedule to the Regional Water Board on April 23, 2003 that specified May 15, 2008 as the final compliance deadline for long-term effluent disposal project (Attachment E). After Regional Water Board staff discussions with the Permittee's Engineer, Regional Water Board staff incorporated a revised time schedule into the Preliminary Cease and Desist Order that establishes May 15, 2007 as the final compliance deadline for a long-term effluent disposal project and May 15, 2004 as a final compliance deadline for securing a long-term biosolids disposal site. The revisions also detail specific project milestones and associated deadlines that were proposed by the Permittee in its April 23, 2003 proposed time schedule.

Attachment A: "Summary of Correspondence: Regional Water Quality Control Board (RWQCB) and the City of Rio Dell -- Rio Dell Wastewater Treatment Facility (WWTF) Effluent Disposal Issues"

Attachment B: "Summary of Correspondence: Regional Water Quality Control Board (RWQCB) and the City of Rio Dell -- Rio Dell Wastewater Treatment Facility (WWTF) Sludge Disposal Issues"

Attachment C: City of Rio Dell comment letter on the Draft Cease and Desist Order

Attachment D: Regional Water Board staff response letter to Attachment C

Attachment E: City of Rio Dell's Proposed Schedule for the City of Rio Dell Long Term Effluent Disposal Project

PRELIMINARY STAFF

RECOMMENDATION: Adopt the tentative Cease and Desist Order No. R1-2003-0046 for the City of Rio Dell WWTF.